

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
William R. Selbig, Regional Director

Oshkosh Service Center
905 Bay Shore Drive
P.O. Box 2565
Oshkosh, Wisconsin 54903
Telephone 920-424-3050
FAX 920-424-4404

March 23, 1999

Mr. Tom Reinsch
Condon Oil Company
126 E. Jackson
Ripon, WI 54971-3186

SUBJECT: *Conditional* Case Closure of
Omro Mobil, 163 E. Main Street, Omro
WDNR BRRTS ID # 03-71-115465

Dear Mr. Reinsch:

The above referenced case file has been reviewed by the WDNR's Northeast Region Case Closure Committee. This panel reviews environmental remediation cases for compliance with state laws, standards, and guidelines to maintain consistency in the closeout of cases. After careful review, the Committee has decided to grant a *conditional* case closure. At this time, it appears that actions have been taken to the extent practicable to restore the environment and minimize the harmful effects from this discharge to the air, lands and waters of the state.

First Condition: Deed Restriction

The WDNR is requiring no further remedial action at this time; however, *You must file the attached "Declaration of Restriction" with your county Register of Deeds office within 30 days and send proof of this filing to the Department within 60 days of the date of this letter.* The attached restriction also includes maps, which must be filed with the text. The deed restriction includes information concerning the property impacted by the restriction that has been provided by you and/or your consultant. (The restriction is a Department standard format and has been drafted with oversight from Department attorneys. Please contact me if you have any questions or concerns regarding the restriction as written.)

Please note that case closure is dependent upon the filing of this deed restriction. *If the restriction is not filed with the County Register of Deeds, the case remains active and continued sampling of the monitoring wells at the site will be required.* A workplan of the sampling schedule and maintenance of the monitoring wells will be required within 90 days of the date of this letter if verification of the restriction filing is not received as indicated above.

Second Condition: Monitoring Well Abandonment

After filing the restriction with the county, all monitoring wells, sumps, and/or boreholes must be abandoned according to Chapter NR 141, Wisconsin Administrative Code. The abandonment forms (#3300-5B) should be sent to my attention.



Quality Natural Resources Management
Through Excellent Customer Service



Until verification of **both** the restriction and abandonment documentation is received, the DNR will continue to track this facility as an active BRR site.

Please be aware that this letter does not absolve the current or any future owner of this property, from future decisions regarding this site or impacts which may be discovered and/or traced to past or future activities at this site. If additional information in the future indicates that further investigation and/or remediation is warranted, the Department will require that appropriate action be taken at that time.

The Department appreciates your efforts to protect and restore the environment at this site. If you have any questions regarding this letter, please contact me at (920) 424-0399.

Sincerely,

Kathleen M. Sylvester, Hydrogeologist
Bureau for Remediation & Redevelopment

cc: Case File - OSH
Wisconsin Department of Commerce, P.O. Box 7838, Madison, WI 53707-7838
Todd Grunwald, Miller Engineers, 5308 S. 12th Street, Sheboygan, WI 53081



DOCUMENT NO.

STATE BAR OF WISCONSIN FORM 1 - 1982

WARRANTY DEED

This Deed, made between
Gerald N. Frees and Gloria J. Frees,
husband and wife

and
B. Kent Bauman

, Grantor,

, Grantee,

Witnesseth, That the said Grantor, for a valuable consideration of
One Dollar and other good and valuable consideration conveys to Grantee the following
described real estate in **WINNEBAGO**
County, State of Wisconsin:

Register's Office
Winnebago County, Wis.
Received for record
this 3 Day of

A.D. 19 97 at
11:46 o'clock A M

Susan Wausonoff
REGISTER OF DEEDS

pd 10

575190

SPACE ABOVE RESERVED FOR RECORDING DATA

RETURN TO

ASSURANCE TITLE & ABSTRACT

265-0264, 0265, 0266, 0267, 0269
Tax Parcel No: 265-0271, 0273 & 0274

Lots Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14),
Fifteen (15), Sixteen (16), Seventeen (17) and Eighteen (18), (on the
River), according to Plat of OMRO, in the Second Ward, City of Omro,
Winnebago County, Wisconsin.

(This Deed is given in fulfillment of Land Contract dated 04/01/82 and
recorded in the Office of the Register of Deeds for Winnebago County,
Wisconsin on 04/09/82 as Doc. #574458 and Assignment of Land Contract
dated 11/30/83 and recorded on 12/01/83 as Doc. #602096.)

(This Deed is also given in fulfillment of Land Contract dated 04/01/87
and recorded on 04/10/87 as Doc. #677186.)

This is not homestead property.
(Is) (Is not)

Together with all and singular the hereditaments and appurtenances thereunto belonging;
And Grantor warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except
easements and restrictions of record, if any,

and will warrant and defend the same.

Dated this 27th day of June, 1997

ENERGY
CODE

W-7

TRANSFER

\$ 387.00
FEE

(SEAL)

Gerald N. Frees (SEAL)

* _____

* Gerald N. Frees

(SEAL)

Gloria J. Frees (SEAL)

* _____

* Gloria J. Frees

AUTHENTICATION

ACKNOWLEDGMENT

Signature(s) _____

STATE OF WISCONSIN)

authenticated this _____ day of _____

Winnebago County,) ss.

Personally came before me this 27th day of

June, 1997 the above named

Gerald N. Frees and Gloria J. Frees

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not,
authorized by Subsec. 706.06, Wis. Stats.)

to me, known to be the person S who executed the
foregoing instrument and acknowledge the same.

THIS INSTRUMENT WAS DRAFTED BY

Gerald N. Frees

Mark O. Trout

Oshkosh, Wisconsin

Notary Public Winnebago County, Wis.

(Signatures may be authenticated or acknowledged. Both
are not necessary.)

My Commission is permanent. (If not, state expiration date):

Exp. Date: 7-4-99

* Names of persons signing in any capacity should be typed or printed below their signatures.



Document Number

GROUNDWATER USE RESTRICTION

✓ 1052799
REGISTER'S OFFICE
WINNEBAGO COUNTY, WI
RECORDED ON

04-05-1999 11:00 AM

SUSAN WINNINGHOFF
REGISTER OF DEEDS

RECORDING FEE 14.00
TRANSFER FEE
OF PAGES 3

In re: Lots Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14),
Fifteen (15), Sixteen (16), Seventeen (17), and Eighteen (18), (on the
River), according to Plat of OMRO, in the Second Ward, City of
Omro, Winnebago County, Wisconsin. [Also identified as 163 East
Main Street, Omro, Wisconsin].

Recording Area

Name and Return Address

CONDON OIL COMPANY

126 East Jackson, P.O. Box 184
Ripon, Wisconsin 54971-0184

COPY

265-0274	265-0267 <i>en</i>
265-0271	265-0266
265-0269	265-0264

Parcel Identification Number (PIN)

Declaration of Restrictions

STATE OF WISCONSIN)
) ss
 COUNTY OF WINNEBAGO)

WHEREAS, B. Kent Bauman is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred at this property. Petroleum-contaminated groundwater above NR 140 enforcement standards exists on this property at the following location(s): Benzene at 90 micrograms per liter (ug/l) and methyl tert-butyl ether ("MTBE") at 100 micrograms per liter (ug/l) in groundwater located in and around monitoring well MW-6, see map Figure F-6, hereby attached and made part of this document.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct additional soil or groundwater remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what

specific prohibitions or requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by, the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction, or portions of this groundwater use restriction are no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 3-29 day of 1999.

Signature: B. Kent Bauman

Printed Name: B. KENT BAUMAN

Title: PRESIDENT / OWNER

Subscribed and sworn to before me
this 29th day of March, 1999

Sheila Swanson

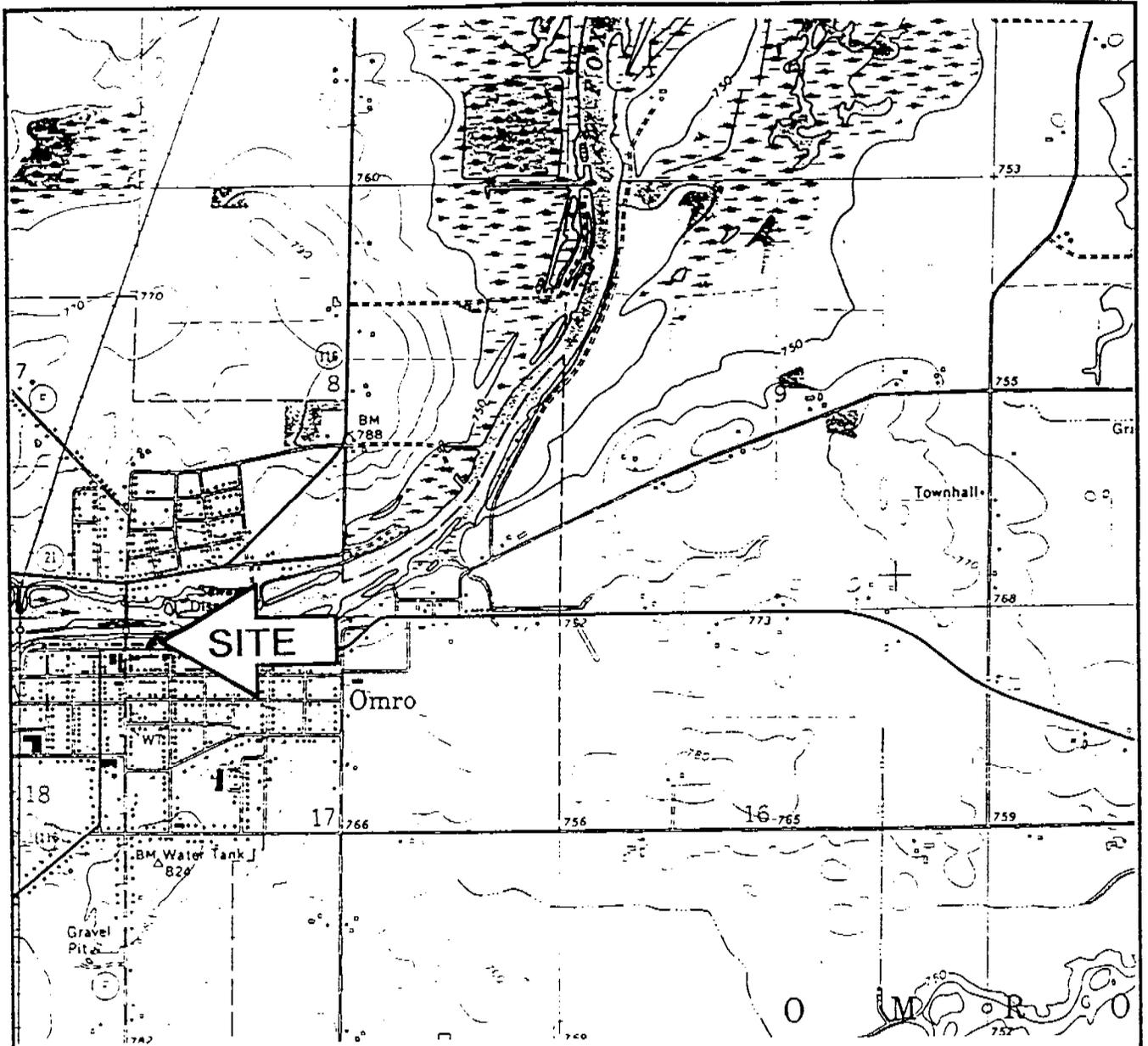
Notary Public, State of Wisconsin

My commission 4-10-2000

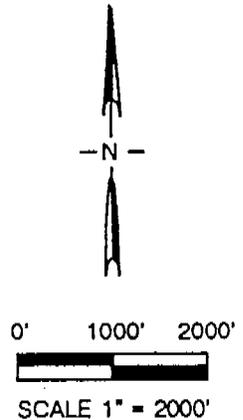
This document was drafted by the Wisconsin Department of Natural Resources.

1-Copy TO Todd

1-Copy TO Kathy
Eggleston
DNR-DNR



OMRO QUADRANGLE
 WISCONSIN - WINNEBAGO CO.
 7.5 MINUTE SERIES (TOPOGRAPHIC)
 SW/4 OSHKOSH 15' QUADRANGLE

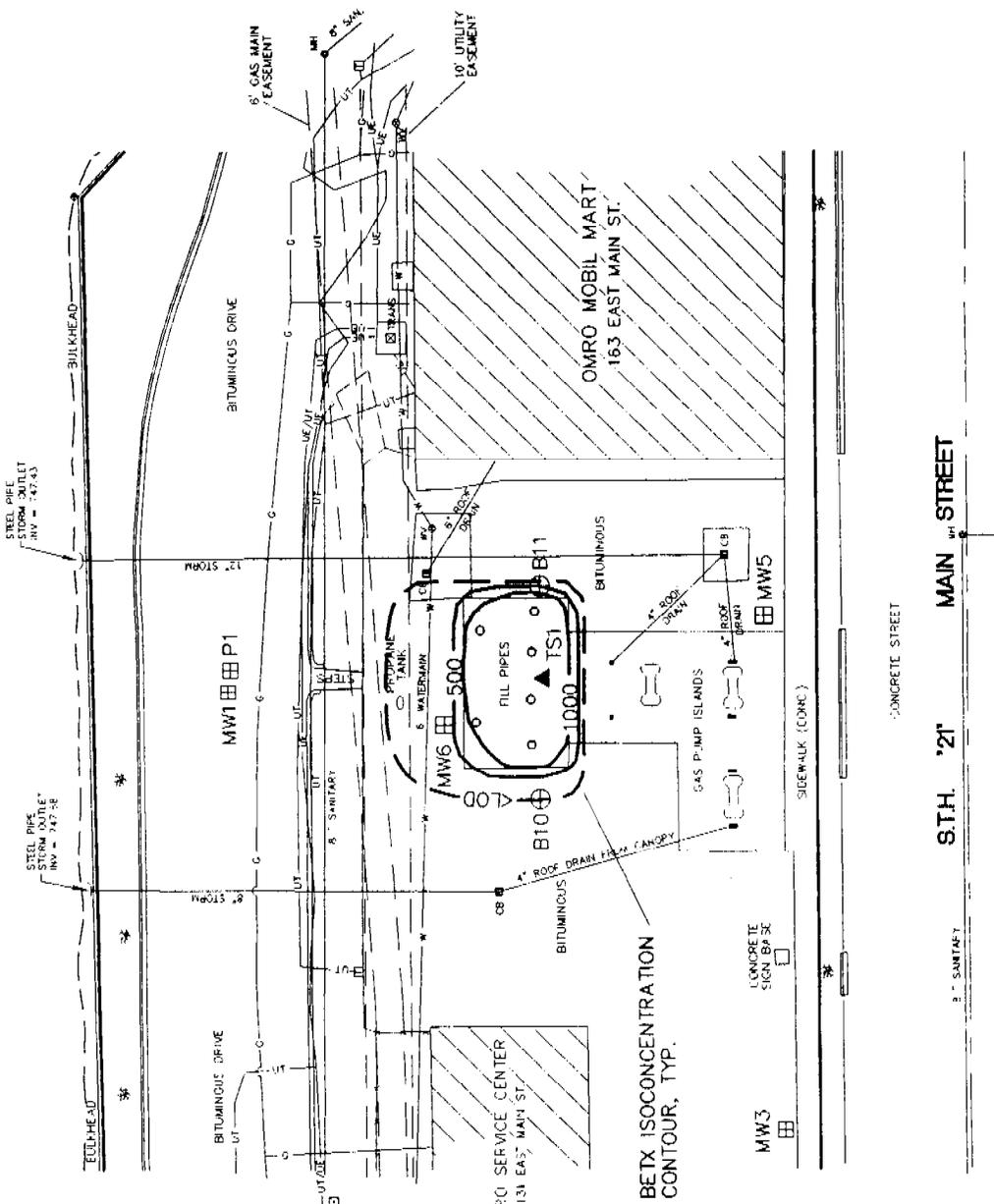


	Date 4/28/97	By SJK	CLIENT: CONDON OIL COMPANY
	Job No. 13667E	Ck	JOB: OMRO MOBIL MART
			LOCATION: 163 EAST MAIN STREET OMRO, WISCONSIN

MILLER
ENGINEERS

FIGURE 1. SITE LOCATION MAP

FOX RIVER



LEGEND	
PROPOSED	EXISTING
M-C	SS
W	W
M-C	STS
CLF	CLF
PPF	PPF
ET	ET
UT	UT
OT	OT
OS	OS

UTILITIES	
○	SANITARY SEWER W/MANHOLE
○	SANITARY SERVICE
○	WATER MAIN
○	WATER VALVE
○	GAS VALVE
○	GAS METERS
○	WATER MAIN
○	WATER SERVICE LINE
○	CURE CATCH BASIN
○	STORM SEWER W/MANHOLE
○	STORM SEWER
○	LIGHT POLE
○	TELEPHONE PEDSTAL
○	ELECTRIC TRANSFORMER
○	OVERHEAD ELECTRIC
○	UNDERGROUND ELECTRIC
○	OVERHEAD TELEPHONE
○	UNDERGROUND TELEPHONE
○	CABLE TELEVISION
○	GAS SERVICE

MISCELLANEOUS	
○	TREE
○	SKIN
○	FENCE
○	LOT LINE
○	EASEMENTS

ENVIRONMENTAL	
○	GROUND WATER MONITORING WELL
○	GROUND WATER RECOVERY WELL
○	TANK SLUMP
○	VAPOR MONITORING POINT
○	VAPOR EXTRACTION POINT
○	HYDRO-PUNCH LOCATION
○	GEOPROBE
○	AIR SPARGING POINT

**FIGURE 6: ESTIMATED OCTOBER 1997
BTX ISOCONCENTRATION PLAN**

MILLER ENGINEERS SCIENTISTS
5308 South Tenth Street
Shoop, Wisconsin 53081
414-655-9154

CONDON COMPANIES
OMRO MOBIL MART
MAIN STREET (S.T.H. 21)
OMRO, WISCONSIN

DATE	6-18-97
BY	SAB
CHECKED	SJK
SHEET	F-6

WELL	BETX CONCENTRATION ug/l
MW1	<100
P1	<100
MW3	<100
MW5	108.7
TANKSUMP	1.944

<100 = LESS THAN LIMIT OF DETECTION

NO.	DATE	DESCRIPTION

NOTE: ALL UNDERGROUND UTILITY LOCATIONS SHOWN HEREON WERE FIELD SURVEY RECORDS. THE EXACT LOCATION OF ALL UTILITIES MUST BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO BEGINNING ANY CONSTRUCTION.

TABLE 3
Historic Ground Water Analytic Results (ppb)

Condon Oil Company
Omro Mobil Mart
Project Number: 13667E

MW1*

Date	Benzene	Ethylbenzene	Toluene	Total Xylenes	MTBE	1,2,4-Tri-methylbenzene	1,3,5-Tri-methylbenzene	Dissolved Iron	Dissolved Manganese Oxygen (ppm)	pH	Temperature Deg.F	Conductivity umhos/cm3	Redox Potential (mV)
12-Mar-91	<0.6	<1.5	4.1	1.1D	<1.5	<3.5	<3.4	-----	-----	-----	-----	-----	-----
22-Aug-91	<0.6	<1.5	<2.0	<2.5	<1.3	<3.5	<3.4	-----	-----	-----	-----	-----	-----
26-Apr-94	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0	-----	-----	-----	-----	-----	-----
12-Jul-94	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0	-----	-----	-----	-----	-----	-----
27-Oct-94	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0	-----	-----	-----	-----	-----	-----
29-Dec-94	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0	-----	-----	-----	-----	-----	-----
08-Mar-95	<0.32	<0.34	<0.27	<0.88	<0.28	<0.38	<0.25	-----	-----	-----	-----	-----	-----
26-Jun-95	<0.32	<0.34	<0.27	<0.88	<0.28	<0.38	<0.25	-----	-----	-----	-----	-----	-----
15-Sep-95	<0.32	<0.34	<0.27	<0.88	<0.28	<0.38	<0.25	-----	-----	-----	-----	-----	-----
13-Dec-95	<0.11	<0.15	<0.21	<1.32	<0.26	<0.36	<0.24	-----	-----	-----	-----	-----	-----
19-Mar-96	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0	-----	-----	7.12	40	860	-95
03-Jun-96	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0	-----	-----	7.26	51	700	-160
06-Jan-97	<0.20	<0.30	<0.40	<1.1	<0.20	<0.30	<0.30	-----	-----	6.96	40	800	-----
02-Jul-97	<0.41	<0.23	<0.28	<0.51	<0.53	<0.3	<0.25	-----	-----	6.6	-----	1250	-----
09-Oct-97	<0.16	<0.29	<0.36	<0.94	<0.2	<0.3	<0.34	55000	1300	6.75	55	1780	-----

* = Well installed as part of a Former LUST Site (Omro Service Center)

TABLE 3: Historic Ground Water Analytic Results (ppb) (Continued)

Date	PI*													
	Benzene	Ethylbenzene	Toluene	Total Xylenes	MTBE	1,2,4-Tri-methylbenzene	1,3,5-Tri-methylbenzene	Dissolved Iron	Dissolved Manganese	Dissolved Oxygen	pH	Temperature Deg.F	Conductivity umhos/cm3	Redox Potential (mV)
12-Mar-91	<0.6	<1.5	4.1	1.1D	<1.5	<3.5	<3.4	---	---	---	---	---	---	---
22-Aug-91	<0.6	<1.5	<2.0	<2.5	<1.3	<3.5	<3.4	---	---	---	---	---	---	---
26-Apr-94	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0	---	---	---	---	---	---	---
12-Jul-94	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0	---	---	---	---	---	---	---
27-Oct-94	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0	---	---	---	---	---	---	---
29-Dec-94	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0	---	---	---	---	---	---	---
08-Mar-95	<0.32	<0.34	<0.27	<0.88	<0.28	<0.38	<0.25	---	---	---	---	---	---	---
26-Jun-95	<0.32	<0.34	<0.27	<0.88	<0.28	<0.38	<0.25	---	---	---	---	---	---	---
15-Sep-95	<0.32	<0.34	<0.27	<0.88	<0.28	<0.38	<0.25	---	---	---	---	---	---	---
13-Dec-95	<0.11	<0.15	<0.21	<1.32	<0.26	<0.36	<0.24	---	---	---	---	---	---	---
19-Mar-96	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0	---	---	1.5	7.12	40	860	-95
03-Jun-96	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0	---	---	0.5	7.26	51	700	-160
06-Jan-97	<0.20	<0.30	<0.40	<1.1	<0.20	<0.30	<0.30	---	---	0.3	6.96	40	800	---
02-Jul-97	<0.41	<0.23	<0.28	<0.51	0.97	<0.30	<0.25	---	---	---	7.27	52	600	---
09-Oct-97	<0.16	<0.29	<0.36	<0.94	<0.20	<0.30	<0.34	---	---	0.5	6.73	55	1380	---

* = Well installed as part of a Former LUST Site (Omro Service Center)

TABLE 3: Historic Ground Water Analytic Results (ppb) (Continued)

MIW3*

Date	Benzene	Ethylbenzene	Toluene	Total Xylenes	MTBE	1,2,4-Tri-methylbenzene	1,3,5-Tri-methylbenzene	Dissolved Iron	Dissolved Manganese	Dissolved Oxygen (ppm)	pH	Temperature Deg.F	Conductivity umhos/cm ³	Redox Potential (mV)
12-Mar-91	<0.6	<1.5	0.3D	0.6D	<1.5	<3.5	<3.4	---	---	---	---	---	---	---
22-Aug-91	<0.6	<1.5	<2.0	<2.5	<1.3	<3.5	<3.4	---	---	---	---	---	---	---
26-Apr-94	<0.6	<1.0	<1.0	<2.0	3.1	<1.0	<1.0	---	---	---	---	---	---	---
12-Jul-94	<0.6	<1.0	<1.0	<2.0	3.8	<1.0	<1.0	---	---	---	---	---	---	---
27-Oct-94	<0.6	<1.0	<1.0	<2.0	1.6	<1.0	<1.0	---	---	---	---	---	---	---
29-Dec-94	<0.6	<1.0	<1.0	<2.0	1.4	<1.0	<1.0	---	---	---	---	---	---	---
08-Mar-95	4.3	<0.34	<0.27	<0.88	<0.28	1.7	<0.25	---	---	---	---	---	---	---
26-Jun-95	<0.32	<0.34	<0.27	<0.88	2.2	<0.38	<0.25	---	---	---	---	---	---	---
15-Sep-95	<0.32	<0.34	<0.27	<0.88	0.84	<0.38	<0.25	---	---	---	---	---	---	---
13-Dec-95	<0.11	<0.15	0.25	<1.32	2.2	<0.36	<0.24	---	---	---	---	---	---	---
19-Mar-96	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0	---	---	---	---	44	1570	218
03-Jun-96	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0	---	---	---	---	48	1740	161
22-Oct-96	<0.6	<1.0	<1.0	<2.0	1.1	<1.0	<1.0	---	---	---	---	60	1550	---
06-Jan-97	<0.20	<0.30	<0.40	<1.1	1.0	<0.30	<0.30	---	---	---	---	47	710	---
29-Apr-97	---	---	---	---	---	---	---	ND	79	1.7	7.34	48	1590	---
02-Jul-97	<0.41	<0.23	0.4	<0.51	1.1	<0.30	<0.25	---	---	1.4	6.5	55	3180	---
09-Oct-97	<0.41	<0.23	0.93	<0.79	0.94	<0.30	<0.25	<22	140	1	6.78	54	2570	---
09-Mar-98	<0.13	<0.22	0.29	<0.23	1.9	<0.22	<0.29	---	---	0.3	7.00	38	2820	---

* = Well installed as part of a Former LUST Site (Omro Service Center)

TABLE 3: Historic Ground Water Analytic Results (ppb) (Continued)

Date	MW5										Temperature Deg.F	Conductivity umhos/cm3	Redox Potential (mV)
	Benzene	Ethyl- benzene	Toluene	Total Xylenes	MTBE	1,2,4-Tri- methylbenzene	1,3,5-Tri- methylbenzene	Dissolved Iron	Dissolved Manganese	Dissolved Oxygen (ppm)			
02-Jul-97	<0.41	<0.23	<0.28	<0.51	<0.53	<0.30	<0.25	----	----	----	7.05	1420	33
09-Oct-97	<0.16	<0.29	<0.36	<0.94	<0.20	<0.30	<0.34	30	190	0.5	6.73	1380	----

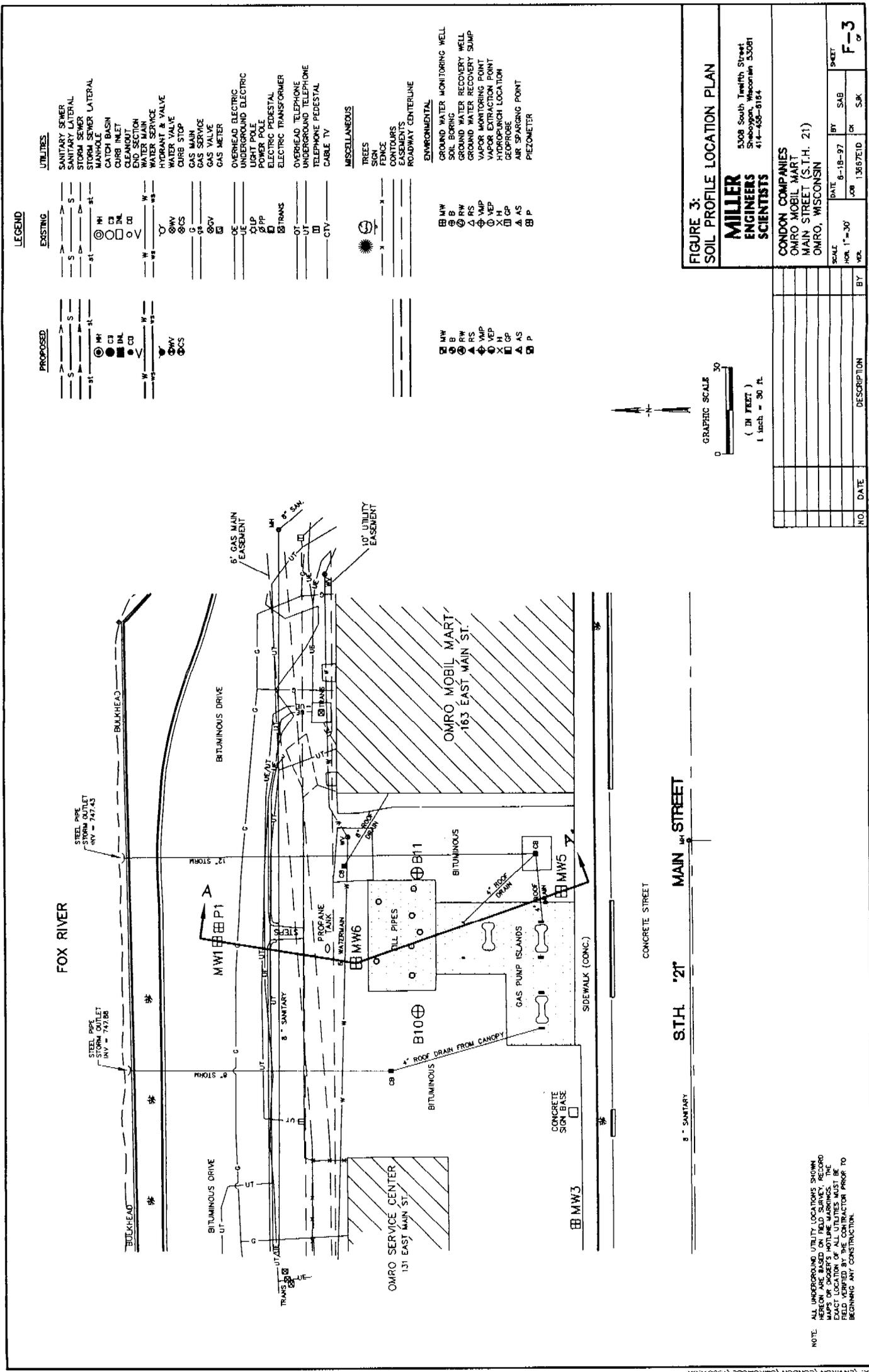
Date	MW6										Temperature Deg.F	Conductivity umhos/cm3	Redox Potential (mV)
	Benzene	Ethyl- benzene	Toluene	Total Xylenes	MTBE	1,2,4-Tri- methylbenzene	1,3,5-Tri- methylbenzene	Dissolved Iron	Dissolved Manganese	Dissolved Oxygen (ppm)			
02-Jul-97	200	4.5	1.7	18.94	51	100	0.27	----	----	0.5	6.58	2170	-180
09-Oct-97	90	0.94	1.8	16	100	23	<0.68	20000	680	0.9	6.7	1320	----

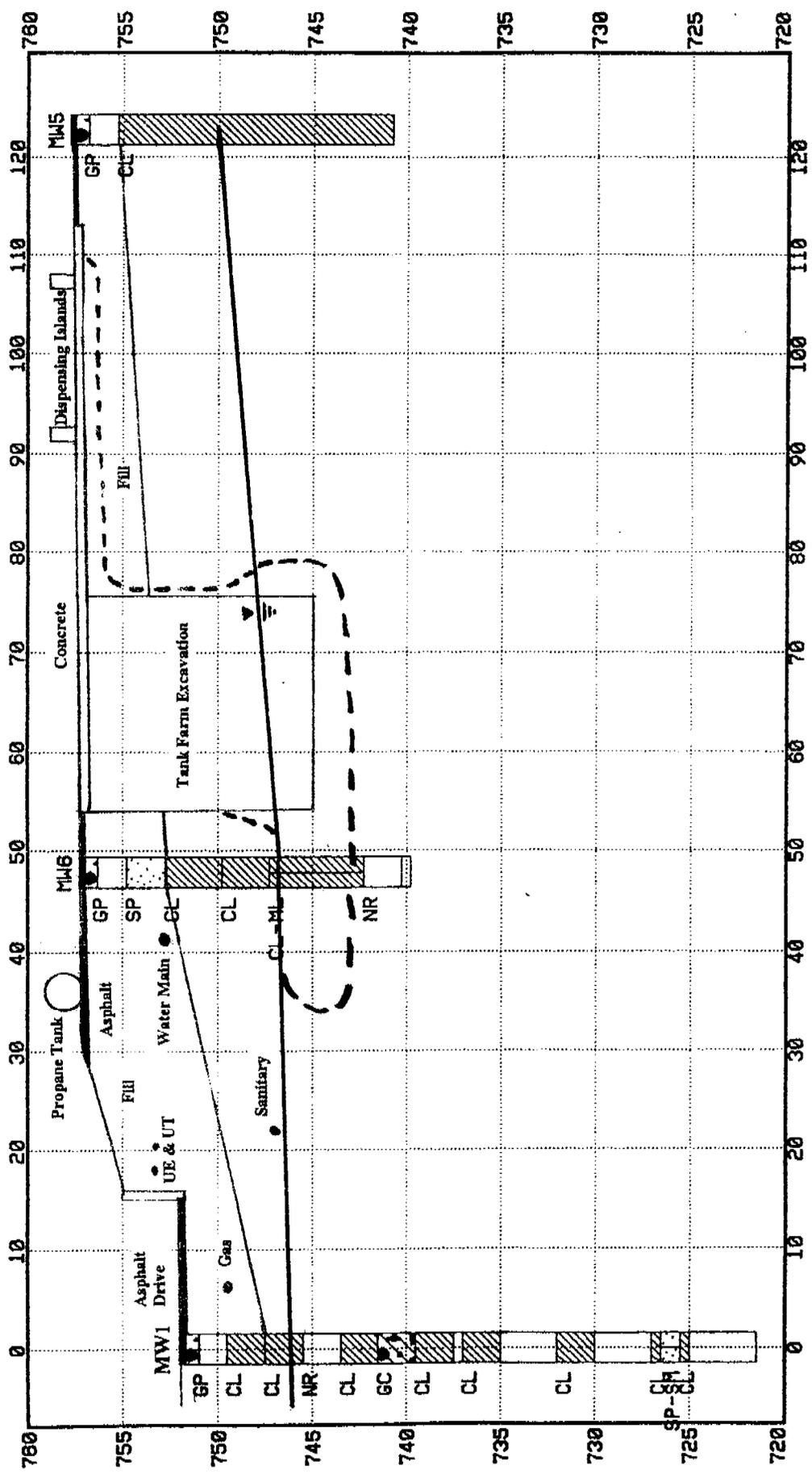
Date	Tank Slump										Temperature Deg.F	Conductivity umhos/cm3	Redox Potential (mV)
	Benzene	Ethyl- benzene	Toluene	Total Xylenes	MTBE	1,2,4-Tri- methylbenzene	1,3,5-Tri- methylbenzene	Dissolved Iron	Dissolved Manganese	Dissolved Oxygen (ppm)			
24-Jul-97	610	550	1600	6100	28	2000	470	----	----	0.4	6.93	1550	----
09-Oct-97	26	48	260	1610	4.6	470	150	7700	750	0.5	7.08	1290	----

0.00 = Exceeds NR140 Ground Water Preventive Action Limits
 0.00 = Exceeds NR140 Ground Water Enforcement Standard

NR 140 Ground Wat Standards (ppb)	Ethyl- Benzene			Toluene		Total Xylenes		MTBE
	Benzene	Benzene	Benzene	Toluene	Xylenes	Xylenes	Xylenes	
Enforcement Standard	5	700	343	620	60			
Preventive Action Limit	0.5	140	68.6	124	12			

* = Proposed Standards





SOIL SECTION A-A'

Boring	North (ft)	East (ft)	Elev. (ft)
MW5	1005.0	965.0	757.8
MW6	1076.0	941.0	757.3
P1	1122.0	954.0	752.0

CLIENT: Condon Companies
JOB: Omro Mobil
LOC: Omro, Wisconsin
PROJECT # 13667E **DATE** DEC 1 98 **FIGURE** 4

MILLER
ENGINEERS
SCIENTISTS
 Sheboygan, Wisconsin